



**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

MICHAEL DAVITT,
#91072

Plaintiff,

vs.

FOSTER,

Defendant.

3:09-cv-0120-BES-VPC

ORDER

This prison civil rights action comes before the Court following Plaintiff's failure to pay the \$350.00 filing fee in response to the Court's May 19, 2009 Order (#3). The Court denied Plaintiff's application to proceed *in forma pauperis* and ordered he must pay the full filing fee within thirty (30) days or his case would be dismissed. Plaintiff has not paid the filing fee in response to the Order, and the action will be dismissed.

IT IS THEREFORE ORDERED that this action shall be DISMISSED without prejudice for failure to pay the filing fee. The Clerk of Court shall enter final judgment accordingly.

DATED: This 1st day of July, 2009.

UNITED STATES DISTRICT JUDGE